REMARKS

Claims 1, 3-17 and 25 are pending.

Response to claim rejections under 35 USC § 112

Applicant notes the Examiner's rejection, and claim 1 has been amended to comply with 35 USC § 112. The amendments are fully supported by the description at paragraph [0023] and provide an antecedent for the expression *"said consumer's reaction"* and clarifications regarding the consumer's reaction collection.

Response to claim rejections under 35 USC § 101

Applicant has noted the Examiner's rejection, and claim 1 has been amended to satisfy 35 USC § 101. The claim as amended better defines the claimed invention since the claim sets forth the physical embodiment of the present invention as a computerized system that is implemented by a computer. The corresponding features are illustrated in Fig. 1 of the application on file. It is well settled that this is proper statutory subject matter. Therefore, the rejection under § 101 should be withdrawn.

Response to claim rejections under 35 USC § 103

The claims have been rejected as being unpatentable over ELDERING (U.S. patent no. 6,298,348) in view of DAVID (Survey data: Use of Scater Plots for Displaying Scale and Consistency Factors).

Claims 1, 4-8, 12-16, and 25 are first addressed by the Examiner. In response to the Examiner's statement that DAVID teaches the concept of rating consistencies, not taught by ELDERING, Applicant admits that DAVID provides tools for rating consistency. But Applicant submits that the teachings of DAVID are distinguished over by the present invention regarding weighing consistency and inconsistency for the following reasons:

DAVID's study provides a rating from responses of different respondents, while the present invention performs the weighing from information on the same consumer, using the consumer's self-perception, the consumer's behavior and reaction.

DAVID does not provide such teaching as the evaluation or rating of the consistency of a single employee with himself.

DAVID's study is directed to cases when the employees have the opportunity to express their views and deliberately provide such information. The present invention is directed to consumers' profiles and not only based on the observation of the behavior and reaction of the consumers.

The DAVID case is designed for employees not for consumers.

It is also believed that the 35 USC § 103 rejection is improper since there is no motivation in the teachings of ELDERING to seek elsewhere for additional features. ELDERING is a complete system in and of itself and there is no suggestion in either ELDERING or DAVID that a combination of the two references is applicable.

Therefore, Applicant submits that references cannot properly be combined to reject claims 1, 4-8, 12-16 and 25. Even if the combination is improperly made, the teachings of DAVID do not complement those of ELDERING in order to render the present invention obvious. Therefore, claims 1, 4-8, 12-16 and 26 are patentable and should be allowed.

Applicant also submits that dependent claims 3, 9, 10 and 17 are in condition for allowance as depending on main claim 1. Applicant provides the following explanations regarding these claims that further demonstrate reasons for patentability:

- concerning claim 17, the Examiner reiterated a ground of rejection initially made in the first Office Action. Further to the arguments provided then by Applicant explaining that ELDERING discloses a profiling system while present invention teaches a consumer behavior tracking system, Applicant adds that firstly, column 10, lines 43 to 54 of ELDERING discloses a *"weighing factor which determines the importance of that product purchased in a particular product category"*. From Applicant's understanding, such factor weighs the importance of the product compared to other products of the same category and not the difference between the customer self perceived interest for one product and his real interest for the same product. Also, the meaning of the expression *"industry accepted"* in claim 17 is set forth in the following extract of the description *"In*

short, the use of the proposed system enables the establishment and continuous comparison

of an investor's self-derived investor profile, with his actual investment-behaviour derived

investor profile as well as his reaction to an industry accepted weighting attributed to the

consistencies and inconsistencies existing between the two". This is not taught or

suggested by ELDERING;

-        -   claim 3 refers to *"means for comparing said initial consumer profile with*

the tracked behaviour and means for logging consistencies and inconsistencies between

said initial go-forward consumer profile and the tracked behaviour of said consumer in a

reaction log". There is no reference to such comparison in the part of the text of

ELDERING designated by the Examiner. In this text it is said *"in a preferred embodiment*

consumer profiling system 500 is resident on consumer profile server 130. Point of

purchase records 510 are transmitted from point of purchase 110 and stored on consumer

profile server 130. Heuristic rules 530, pricing policy 570, and consumer profile 560 are

similarly stored on consumer profile server 130. , From this extract it is understood that

"the consumer profiling system" gets its data from the record forwarded by the *"point of*

purchase." It is clear that the cited text of ELDERING does not teach the subject-matter of

. claim 3;

-        -   as to claim 9, according to the Examiner, ELDERING teaches *"an initial*

consumer's self-perceived consumption profile [that] includes a questionnaire to be

answered by the said consumer". To support this, the Examiner refers to the following

paragraph of ELDERING at column 9 lines 51 to 60: *"The consumer profiling system 500*

can access the consumer profile 560 to update the profiles contained in it. Consumer

profiling system 500 retrieves a consumer characterization vector 562 and a product

preference vector 564. Subsequent to retrieval one or more data processing algorithms are

applied to update the vectors. An algorithm for updating is illustrated in the flowchart in

FIG. 8A. The updated vectors termed herein as new demographic characterization vector

. *566 and new product preference 568 are returned to consumer profile 560 for storage."* It

is respectfully drawn to the Examiner's attention that the quoted paragraph only refers to

updates by the profiling system. No mention is made therein to a questionnaire; Applicant

admits that in ELDERING references are made to a *"characterisation vector"*. But such vector comprises *"a demographic vector"*, and *"a product preference vector which describes which products the consumer has typically purchased in the past"*. Neither of these is a *"self-perceived consumption profile"*;

-         -   concerning claim 10, even though the text of ELDERING referred to by the Examiner does not disclose means for tracking behavior and inquiries, Applicant submits that in ELDERING the *"Consumer profiling system 500 receives purchase information from a point of purchase"*. But the feature of tracking inquiries and purchases is not disclosed by ELDERING.

Accordingly, for the reasons given in addition to those for claim 1, claims 3, 9, 10 and 17 also are patentable and should be allowed.

In rejecting claim 11, the Examiner further relies on US patent 6,430,542 (MORAN). This does not correspond to a HONARVAR patent referred to by the Examiner, and Applicant believes that the Examiner refers to US patent 6,430,54<u>5</u> (Use of online analytical processing (OLAP) in a rules based decision management system). In the following paragraph, in US patent 6,405,173 (Decision management system providing qualitative account/customer assessment via point in time <u>simulation</u>), the term simulation is explained as: *"Therefore, via simulation, a user can track attributes of customers going down a specific part of a strategy. For example, assume it is expected that high risk customers will go through path 1 represented by report group A of a specific strategy. Via simulation, the current risk of any customer coming through path 1 can be tracked. The risk of the same customers six months ago can also be simultaneously tracked via simulation incorporating a historical sample."*

-         HONARVAR merely teaches a decision management system for (a) simulating the effect of a strategy by applying the strategy to client data and (b) tracking the type of client traveled through a decision point in the strategy during the simulation. In other words, HONARVAR tracks clients given a predetermined decision point, while the present invention according to claim 11 tracks a consumer's behaviour given the

consumer;. Therefore, HONARVAR does not complement ELDERING and DAVID to render claim 11 obvious and the claim should be allowed.

It is submitted that all of the claims are now allowable.

Prompt and favorable action is requested.

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